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OCT 16 2006

18667410075

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Practitioner's Docket No. 033393-055194

PATENT

**IN THE UNITED STATES RECEIVING OFFICE**

10/533,622	30 October 2003 (30.10.2003)	30 October 2002 (30.10.2002)
US Application Number	International Filing Date	International Earliest Priority Date

**TITLE OF INVENTION:** METHODS FOR TREATING AND PREVENTING APOPTOSIS-RELATED DISEASES USING RNA INTERFERING AGENTS

**APPLICANT(S) FOR EO/DO:** LIEBERMAN, et al.

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P.O. Box 1450  
Alexandria, VA 22313-1450

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4. Copy of Private PAIR Printout for 10/533,622; (4 pp.);
5. Copy of Notification of Abandonment (1 pg.); and
6. Copy of Return Receipt Postcard stamped received by OIPE on 9/11/2006 (1 pg.).

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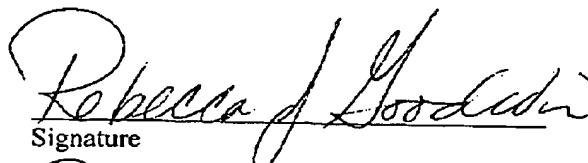
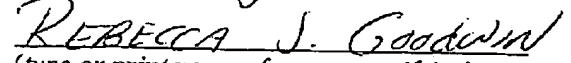
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Date: October 16, 2006

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**Nixon Peabody LLP**  
Attorneys at Law

100 Summer Street  
Boston, MA 02110-2131  
(617) 345-1000

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From: David S. Resnick Stephen Duly	Date: October 16, 2006	No. of Pages: 11 (including this page)
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Practitioner's Docket No. 033393-055194

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US Application Number	International Filing Date	International Earliest Priority Date

**TITLE OF INVENTION:** METHODS FOR TREATING AND PREVENTING APOPTOSIS-RELATED DISEASES USING RNA INTERFERING AGENTS

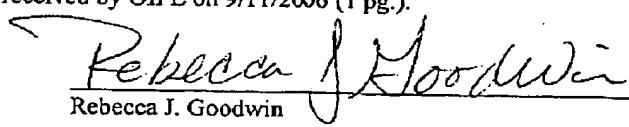
**APPLICANT(S) FOR EO/DO:** LIEBERMAN, et al.

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Date: October 16, 2006

  
Rebecca J. Goodwin

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(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission

10

Application Number	10/533,622
Filing Date	October 30, 2003 (I.A. filing date)
First Named Inventor	Lieberman, et al.
Art Unit	1635
Examiner Name	Not Yet Assigned
Attorney Docket Number	033393-055194

Total Number of Pages in This Submission

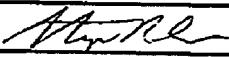
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Attorney Docket Number	033393-055194
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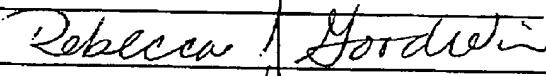
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Remarks		
The Commissioner is authorized to charge fee deficiencies and credit overpayments related to this submission to the Nixon Peabody LLP Deposit Account No. 19-2380.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	NIXON PEABODY LLP		
Signature			
Printed name	David S. Resnick/Stephen Duly		
Date	10/16/06	Reg. No.	34,235

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	Date

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**APPLICANT(S) FOR EO/DO:** LIEBERMAN, et al.

**PETITION UNDER 37 CFR § 1.181 TO  
WITHDRAW HOLDING OF ABANDONMENT**

**Mail Stop PETITION**  
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Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR § 1.181, applicants hereby petition the Director to withdraw the holding of abandonment of U.S. Patent Application Serial No. 10/533,622 ("the '622 application")

**Statement of Facts**

The '622 application was filed on January 17, 2006, and is a 371 application of PCT/US03/34686 filed October 30, 2003, which claims the benefit of U.S. Provisional Application Serial No. 60/422,578 filed October 30, 2002.

On April 6, 2006, Applicants received a Notice of Acceptance of Application Under 354 U.S.C. 371 and 37 C.F.R. 4.495 mailed April 3, 2006. However, on July 10, 2006, Applicants received a Withdrawal of Previously Sent Notice mailed July 7, 2006. Concurrently, Applicants then received a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures mailed July 7, 2006.

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Serial Number 10/533,622  
Notice of Abandonment mailed September 12, 2006  
Petition filed October 16, 2006

To comply with the Notice, Applicants filed on September 7, 2006 a Response to Notification, enclosing the sequence listing in paper and CRF copies. A Return Receipt Postcard was received from the USPTO, date-stamped received by the OIPE on September 11, 2006 (copy enclosed).

On September 12, 2006 the Examiner mailed a Notice of Abandonment (attached hereto) in the '622 application. The Notice of Abandonment makes no mention of the Response to the notification of Missing Requirements and simply states that the application was abandoned in view of failure to respond to the notification of Missing Requirements mailed 07/07/2006 within the time period set therein. However, upon review of the '622 application on USPTO EBC Private PAIR, all documents appear to be received and entered in the IMAGE FILE HISTORY on September 11, 2006. A printout of the Image File Wrapper detailing the received documents from Private PAIR is enclosed.

**Conclusion and Action Requested**

For all of the foregoing reasons, Applicants respectfully petition the Director to withdraw the holding of abandonment of the '622 application and direct the Examiner to enter the Response to Notification mailed on September 7, 2006. All documents related to the Response can be found on Private PAIR.

Applicants believe that no fee is due upon consideration of this Petition, however, the Commissioner is authorized to charge any necessary fees to Deposit Account No. 19-2380.

Respectfully submitted,

Date:

10/16/06

  
\_\_\_\_\_  
David S. Resnick, Registration No.: 34,235  
Stephen Duly, Registration No. 56,183  
Nixon Peabody LLP  
100 Summer Street  
Boston, MA 02110-2131  
Phone (617)345-6057  
Fax (617) 345-1300

10158158.1

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04-29-2005	Fee Worksheet (PTO-875)	PROSECUTION	1
04-29-2005	Preliminary Amendment	PROSECUTION	1
04-29-2005	Specification	PROSECUTION	1
04-29-2005	Claims	PROSECUTION	2
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04-29-2005	Miscellaneous Internal Document	PROSECUTION	1
04-29-2005	Sequence Listing Documents submitted with 371 Applications	PROSECUTION	6
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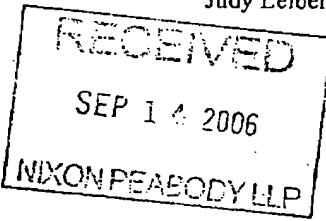
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[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,622	Judy Leiberman	033393-055194
 <i>SEP 14 2006</i> <i>NIXON PEABODY LLP</i>		
INTERNATIONAL APPLICATION NO.		
PCT/US03/34686		
I.A. FILING DATE	PRIORITY DATE	
10/30/2003	10/30/2002	
CONFIRMATION NO. 1754		
371 ABANDONMENT/TERMINATION LETTER		
 <i>*OC00000020384976*</i>		

Date Mailed: 09/12/2006

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 07/07/2006 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

## PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

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SEP 19 2006

NIXON PEABODY LLP

Mailing Date: September 6, 2006

Attorney/Sec: DSR/rg

Client: 033393-055194CBR

Docket No.: 033393-055194

Inventors: Lieberman, et al.

Serial No.: 10/533,622

Patent No.:

Filing Date: October 30, 2003 (I.A.)

Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of;

Certificate of Mailing (1pg);

Transmittal Form (1pg);

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(1pg);

Paper copy of Sequence Listing (6pp);

Computer Readable Form of Sequence Listing (1 diskette); and  
Return Receipt Postcard.

Due Date: September 7, 2006

